

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ELDORA PRINCE and NGCOBA ATKINS,

Plaintiffs,

-v-

6:16-CV-440  
(DNH/ATB)

DEPARTMENT OF SOCIAL SERVICES OF  
ONEIDA COUNTY; and LUCILLE SOLDADO,  
Commissioner,

Defendants.

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APPEARANCES:

ELDORA PRINCE  
NGCOBA ATKINS  
Plaintiffs pro se  
636 James Street  
Utica, NY 13501

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiffs Eldora Prince and Ngcoba Atkins brought this action pursuant to 42 U.S.C. § 1983, the Americans with Disabilities Act, and the Rehabilitation Act. On August 31, 2016, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that plaintiffs' due process claims as outlined be dismissed without prejudice to filing a new proposed amended complaint within forty-five (45) days of the date of this Decision and Order, and that the remainder of the original and the amended complaint be dismissed with prejudice. Magistrate Judge Baxter further recommended that should plaintiffs file a new amended complaint within the referenced time frame, that the file be

returned to him for further review. No objections to the Report-Recommendation have been filed. However, plaintiffs filed an amended complaint the same day the Report-Recommendation was entered.

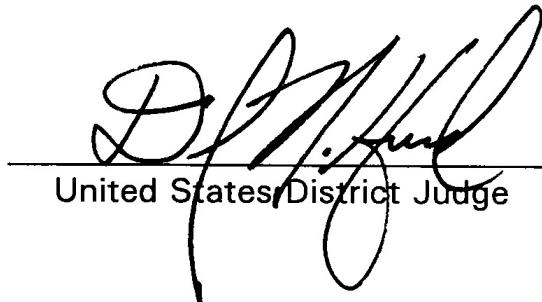
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. The remainder of the original and the amended complaint, except for the due process claims, be DISMISSED with prejudice; and
2. The new amended complaint is referred back to Magistrate Judge Baxter for his review.

IT IS SO ORDERED.



The image shows a handwritten signature in black ink, appearing to read "D. J. M." followed by a stylized surname. Below the signature is a horizontal line, and underneath the line is the text "United States District Judge".

Dated: September 15, 2017  
Utica, New York.